



NORTHAMPTON LICENSE COMMISSION MAY 6, 2009 MINUTES

*Commission Chairman Brad Shimel, Commissioner William Rosen,
Commissioner Andrew Shelffo*

Chairman Shimel opened the meeting at 4:00 P.M., in City Council Chambers, 212 Main Street, Northampton, on the following:

**APPLICATION FOR CHANGE OF LICENSE TYPE (RECLASSIFICATION)
FROM ANNUAL ALL ALCOHOLIC RESTAURANT LICENSE TO ANNUAL
ALL ALCOHOLIC VETERANS' CLUB LICENSE.**

WORLD WAR II VETERANS ASSOCIATION OF HAMPSHIRE COUNTY,
INC. D/B/A AMERICAN VETERANS ASSOCIATION OF WESTERN MASS
50 CONZ STREET, NORTHAMPTON, MA
(WITHDRAWN)

1. APPLICATION FOR SHORT TERM WINE & MALT LICENSE

Glasgow Lands Scottish Festival, Inc.

Date: Saturday, July 18, 2009

Time: 9:00am – 10:00 pm

Event: Scottish Festival

Place: Look Memorial Park

Fee: \$60.00

Ray Ellerbrook, Look Park Director, was present on behalf of the application. The ball field is used, and the serving area is blocked off, with only one way in and out. Proceeds of this application will benefit Big Brothers, Big Sisters, Inc. and a halfway house.

Commissioner Rosen moved approval of the application; Commissioner Shelffo seconded. The vote passed unanimously (3-0).

2. APPLICATION FOR SHORT TERM ALL ALCOHOLIC LICENSE

Trustees of Smith College d/b/a Smith College Dining Services

Date: Thursday, May 21, 2009

Time: 5:00 pm – 8:30 pm

Event: Alumnae Reunion dinner – social hour and Buffet Dinner

Place: Cutter/Ziskind dining room, 79/91 Elm Street.

Social in courtyard (weather permitting) or in Ziskind foyer; dinner in the dining room.

Fee: \$100.00

Kathleen Zieja, Director of Dining Services at Smith College, was present on behalf of the application.

Commissioner Rosen recused himself from the vote.

Commissioner Shimel moved approval of the application; Commissioner Shelffo seconded. The vote passed unanimously (2-0).

3. APPLICATION FOR SHORT TERM ALL ALCOHOLIC LICENSE

Trustees of Smith College d/b/a Smith College Dining Services

Date: Monday, June 1, 2009

Time: 5:00 pm – 9:00 pm

Event: Smith College Summer Program, National Institute on Technology in Liberal Arts

Place: Dining Service providing service at Social and Dinner for this group at Lamont dining room and courtyard, Prospect Street – 75 guests

Fee: \$100.00

Kathleen Zieja, Director of Dining Services at Smith College, was present on behalf of the application.

Commissioner Rosen recused himself from the vote.

Commissioner Shimel moved approval of the application; Commissioner Shelffo seconded. The vote passed unanimously (2-0).

4. CITIZEN COMPLAINT RECEIVED:

Letter received April 16, 2009 RE: ACME Auto Body, 220 King Street, Northampton.

Copy sent to Northampton Board of Health April 21, 2009 – Board of Health Answer April 24, 2009

Dimitri Robbins, 16 Myrtle Street, was present to speak to the Commission. It was his letter of complaint received April 16, 2009 by the License Commission office. Mr. Robbins also presented a petition signed by 21 residents, plus a letter from resident Eddy Hougen.

The Clerk sent letters to Mr. Robbins, Mr. Muccino of Acme Automotive Center, Inc. and to Xanthi Scrimgeour, Director Northampton Board of Health on April 21, 2009. All were advised of the complaint and invited to attend this meeting. Mr. Muccino was not present. Ms. Scrimgeour was not present.

An email from Ms. Scrimgeour was received on April 24, 2009 addressing this concern.

All letters, email and petition are attached to these minutes.

Also speaking to the Commission regarding this concern were Rachel Hannah and Pam Hannah, both of 11 Church Street.

The Commission heard the residents' concerns. The Commission discussed the concerns and instructed the Clerk to write to the Northampton Board of Health, DEP and the owner of Acme Automotive on behalf of the License Commission. The letter will ask for a report of compliance of the licensee. Mr. Dimitri stated that he has spoken to Joel Reese of the DEP. This situation relates to licensing only if the licensee is not in compliance.

5. Approval of April 1, 2009 and April 15, 2009 minutes.

Commissioner Shimel moved approval of the minutes of April 1, 2009 and April 15, 2009; Commissioner Rosen seconded. The vote passed unanimously (3-0).

6. New Business-

The clerk presented a licensing meeting invitation received today from Municipal Licensing Corporation of Brockton, MA for a meeting Tuesday, June 2, 2009 in Quincy, MA. Commissioners are welcome to attend.

The Commission is reminded that the Violation Hearings for Paradise City Tavern and Tully O'Reilly's, as well as Police Recommendations, are on the June 3, 2009 agenda. The court stenographer will return for this meeting. No information has been received at the License Commission office as to progress on the talks between the Police Department and the two licensees.

At 4:38 pm, Commissioner Rosen moved to adjourn, and Commissioner Shimel seconded. The vote passed unanimously (3-0).

Next meeting is June 3, 2009 at 4:00 pm.

received
4/16/09 mm

Dmitri Robbins
16 Myrtle Street
Northampton, MA 01060
413-335-8815

April 15, 2009

City of Northampton Licensing Commission
City Council
City Hall Room 18
210 Main Street
Northampton, MA 01060

To whom it may concern,

On at least three occasions in the past month, and most recently at approximately 1 pm on April 15, 2009, there has been a strong smell of automotive paint in the air at Agnes Fox Field on State Street. The smell is so strong that I do not feel safe bringing my child to the park. I suspect the paint smell is coming from ACME Auto Body on King Street. I suspect that they are not using sufficient filtration on their paint booth. I am deeply concerned that an unhealthy quantity of harmful organic compounds is being released into the air, posing a health hazard for people, especially children, using the public park.

I have contacted the Department of Environmental Protection, but they are slow to move. I am bringing this matter to the attention of the city in the hopes that action may be taken more quickly.

Please do not hesitate to contact me if I may provide any further information of assistance regarding this matter.

Sincerely,


Dmitri Robbins

Memorandum

To: Xanthi Scrimgeour, Director Board of Health
From: Mary L. Midura, Executive Secretary/Northampton License Commission
Date: 4/21/2009
Re: Citizen Complaint received April 16, 2009 RE: ACME Auto Body, 220 King Street

Xanthi,

I have attached a copy of a letter received by the Northampton License Commission. This will be discussed at the May 6, 2009 meeting of the Commission. Please let me know if you have received any complaints regarding this issue, or if you can provide any additional information.

You are welcome to attend the meeting of the Northampton License Commission. The meeting begins at 4:00 pm on May 6, 2009 in City Council Chambers.

Thank you for your time.

Sincerely,

Mary L. Midura

Mary Midura

From: Xanthi Scrimgeour
Sent: Friday, April 24, 2009 12:23 PM
To: Mary Midura
Subject: odor complaint

Hi Mary,

Traditionally odor complaints are the hardest ones to address – often because by the time we (or an inspector) gets to the area, there are no longer any odors. Or there are odors, but they are associated with the business and the owners are in compliance with the regulations to operate so there is not much we can do. In this instance, I have requested an inspection of the businesses from DEP to ensure emissions and regulation compliance. I am waiting to hear back from them. Below is a specific list of BOH actions.

Hope this helps. Let me know if you have any questions.
Thanks, ~ Xanthi

BOH follow-up regarding Citizen Complaint to Licensing Board

4/22/09 Received Complaint from Mary Midura. Spoke with resident for clarification and additional information. Resident informed me that he had spoken with Joel Reis with the EPA. Called DEP spoke with Robbie. She agreed to pull file (FMF # 341948) and we made arrangements to discuss on 4/24/09.

4/24/09 Spoke with DEP inspector Dan Balboni. DEP had received the same odor complaint on 4/15/09 and arrived on the scene within two hours. There were no odors to be found at that time. Owner of ACME Auto Body was contacted. He reported no unusual or different activities happened that day. Last inspection/re-inspection of ACME Auto Body was in 2001 and business was in compliance. Inspector noted that ACME owner, Don Muccino, has historically sought out suggestions and clarifications regarding DEP regulations to be sure he was in compliance. Inspector also did a walk-through of the area and noted that in the neighborhood surrounding the park:

- one garage belonged to a contractor (possible construction activities)
- at least one home had a wood burning stove (chimney, piles of wood)
- King Street Auto Body was also close enough to be a possible cause of odor depending on the wind.

BOH requested a DEP inspection of neighboring Auto Body Shops to ensure compliance with regulations and emissions. Inspector agreed to talk with supervisor and inform BOH if this is possible.

Xanthi M. Scrimgeour, MHEd, CHES
Director of Public Health
City of Northampton

212 Main Street
Northampton, MA 01060
Phone: 413.587.1214
Fax: 413.587.1221

4/24/2009



City of Northampton, Massachusetts
License Commission
City Hall, 210 Main Street
Northampton, MA 01060
(413) 587-1210 Fax: (413) 587-1264

Brad A. Shimel, Chair
Mary L. Midura, Executive Secretary

April 21, 2009

ACME Automotive Center, Inc.
220 King Street
Northampton, MA 01060

Dear Mr. Muccino:

Enclosed is a copy of a letter I have received as a citizen complaint dated April 15, 2009 regarding ACME Automotive Center, Inc., which states concerns regarding "a strong smell of automotive paint in the air at Agnes Fox Field on State Street".

I have sent a copy of this letter to Xanthi Scrimgeour, Director of Northampton Board of Health.

I have also placed this citizen complaint on the agenda of the Northampton License Commission at the next meeting of May 6, 2009. The meeting begins at 4:00 pm in City Council Chambers, 212 Main Street, Wallace J. Puchalski Municipal Building, Northampton, MA.

You are welcome to attend this meeting and to provide any further information you may have.

If you have any questions, please feel free to contact me at 413-587-1210.

Sincerely,

A handwritten signature in cursive script, reading "Mary L. Midura".

Mary L. Midura
Executive Secretary

Enclosures



City of Northampton, Massachusetts
License Commission
City Hall, 210 Main Street
Northampton, MA 01060
(413) 587-1210 Fax: (413) 587-1264

Brad A. Shimel, Chair
Mary L. Midura, Executive Secretary

April 21, 2009

Dmitri Robbins
16 Myrtle Street
Northampton, MA 01060

Dear Mr. Robbins:

I have received your letter of complaint dated April 15, 2009 regarding ACME Automotive Center, Inc., which states your concerns regarding "a strong smell of automotive paint in the air at Agnes Fox Field on State Street".

I have sent copies of your letter to Xanthi Scrimgeour, Director of Northampton Board of Health and to ACME Automotive Center, Inc.

I have also placed your citizen complaint on the agenda of the Northampton License Commission at the next meeting of May 6, 2009. The meeting begins at 4:00 pm in City Council Chambers, 212 Main Street, Wallace J. Puchalski Municipal Building, Northampton, MA.

You are welcome to attend this meeting and to provide any further information you may have.

If you have any questions, please feel free to contact me at 413-587-1210.

Sincerely,

A handwritten signature in cursive script, reading "Mary L. Midura".

Mary L. Midura
Executive Secretary

Enclosures

We, the undersigned, wish to express our concern about the frequent odor of automotive paint in and around Agnes Fox Field, State Street, Northampton, MA. We fear that at times the level of organic solvents in the air may be toxic and outside the legal limits. We call on the City of Northampton, and any other body with the authority to do so, to thoroughly investigate the nature of this odor, its degree of harmfulness to the public, and its source, and to take all appropriate action to protect the health of the public.

We are especially concerned for the health of the children who frequent the park.

Name	Address	Signature	Date
Margaret Kennedy	205 STATE ST	Margaret Kennedy	4/29/09
John M. Galt	205 STATE ST	John M. Galt	4/29/09
John M. Galt	205 STATE ST	John M. Galt	4/29/09
Emmanuel Shyl	215 State	Emmanuel Shyl	4/29/09
Carlos F. Wehby	239 State St	CARLOS F. WEHBY	4/27/09
Alex Snyderman	245 State St. Noho	Alex Snyderman	4/27/09
Phoebe Sheldon	" "	Phoebe Sheldon	4/27/09
Joan Sellers	247 State St N'hamp	Joan Sellers	4/27/09
E-mail	joanestheragnes@gmail.com		
E. Bartók-Baratta	49 Old South St, N'ton	E. Bartók-Baratta	4/27/09
Maury	13 Church St	Maureen Conway	4/27/09
Rachel H	11 Church St	Rachel Hannah	4/27/09
	rachhannah@gmail.com		
DAN MARCZIS	264 STATE ST	Dan Marczis	4/27/09
Chip Kaufman	31 Perkins Ave. N'ton	Chip Kaufman	4/27/09
Adam Goodwin	25 Perkins Ave N'ton	Adam Goodwin	4/27/09
Joyce Tousey	7 Perkins Ave. N'ton	Joyce Tousey	4/27/09
Tonja Santos	6 Perkins Ave.	Tonja Santos	4/27/09
Patricia Loomis	6 Perkins Ave. N'ton	Patricia Loomis	4/27/09
RICHARD YARDE	18 PERKINS AVE NTON	Richard Yarde	4/27/09

tricia.loomis@hotmail.com

We are especially concerned for the health of the children who frequent the park.

[illegible]

Eddy Hougen
38 Summer Street
Northampton, MA.
01060

May 6, 2009

To those concerned,

My name is Eddy Hougen. My wife, Rachael, and our twenty-month old daughter, Greta Jo, live at 38 Summer Street in Northampton, Massachusetts. We frequently go to Agnes Fox Park on State Street to enjoy walks in the grass field, kicking a ball, and playing on the playground there. My wife and I, along with other parents and residents who spend time in Agnes Fox Park, have noticed fumes of varying intensity wafting through the air at the park on many occasions. My best guess is that these are paint fumes, but without any concrete evidence this is only a guess.

My concern is that these fumes are, at their worst, at a toxic level, and that the young children who play in the park are breathing in contaminated, unhealthy air. I would recommend or request that someone from the city do a study to test levels of foreign matters in the air and air quality in the park.

I would also recommend or request that a representative from the city talk to businesses near and around the park that are or may be emitting the fumes about changing the ways they dispose of any toxic materials. I would assume that these businesses supply masks, gloves, and other protective wear for their employees that handle spray paint or other chemical agents and that they would be concerned for the protection and welfare of anyone outside their buildings who may be being exposed to any quantity of albeit dissipated chemicals.

Thank you very much.

A concerned resident of Northampton,

A handwritten signature in cursive script, appearing to read "Eddy Hougen", followed by a long horizontal flourish line.

Eddy Hougen
413-341-3184